

Message Text

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C O N F I D E N T I A L GEORGETOWN 2357

E.O. 11652: XGDS-4
TAGS: CU, GY
SUBJECT: GUYANESE STUDY CUBAN LEGAL SYSTEM

BEGIN SUMMARY: DURING PRIME MINISTER BURNHAM'S JULY 22-25 VISIT TO CUBA, ARRANGEMENTS WERE MADE FOR A TWO-MAN GUYANESE TEAM TO VISIT CUBA TO EXAMINE ITS LEGAL SYSTEM. THE TEAM HAS COMPLETED ITS STUDY AND SUBMITTED A REPORT SEVERELY CRITICAL OF CUBA'S CONSTITUTIONAL, LEGAL AND PENAL SYSTEMS AND OF DISCRIMINATION AGAINST BLACK CUBANS IN ENFORCING LAW. MUCH OF THE NEGATIVE INFORMATION WAS OBTAINED NOT ONLY FROM OBSERVATION BUT ALSO FROM CUBAN JUDGES AND OTHERS WHO DREW THEM ASIDE TO COMPLAIN IN PRIVATE ABOUT THE "SYSTEM" IN CUBA. END SUMMARY.

1. FOREIGN MINISTER WILLS HAD DISCLOSED TO CHARGE THAT THE REPORT PREPARED BY THE GUYANESE TEAM WHICH EXAMINED CUBA'S LEGAL AND PENAL SYSTEM DURING AUGUST AND EARLY SEPTEMBER WAS SO NEGATIVE THAT PRIME MINISTER BURNHAM HAD DECIDED IT SHOULD REMAIN HIGHLY CLASSIFIED. IT
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ALREADY HAD CAUSED CONTROVERSY BY AROUSING ACCUSATIONS THAT IT WAS "ANTI-SOCIALIST." IF IT WERE TO BE CIRCULATED WIDELY IT WOULD CAUSE SERIOUS PROBLEMS IN GUYANA-CUBA RELATIONS.

2. WILLS APPEARED AMUSED AND DELIGHTED WITH THE STUDY, AND READ CERTAIN PASSAGES TO ME. THE FIRST CONCLUSION OF THE STUDY WAS THAT CUBAN PROPAGANDA HAD DECEIVED

THE WORLD ABOUT THE CUBAN LEGAL SYSTEM AND ITS OPERATION. ALSO, THE REPORT BRANDED AS LIES CLAIMS THAT "SOCIALIST" CUBA HAS ELIMINATED ALIENATION OF WORKERS, ROBBERY, VIOLENCE, RAPE, AND RACIAL DISCRIMINATION. ACCORDING TO THE REPORT, 80 PER CENT OF THE PEOPLE IN JAIL IN CUBA WERE BLACK.

3. THE GUYANESE GROUP CONCLUDED THAT THE CUBAN SYSTEM HAD ERRADICATED "PRIVATE MORALITY" WHICH THE CHURCH AND FAMILY INSTIL IN PEOPLE. THEREFORE, CUBANS HAD TO RELY UPON A "NEW MORALITY" IMPOSED BY THE STATE AND LAW ENFORCEMENT TO PREVENT AND RESTRAIN CRIME. HOWEVER, THE PEOPLE AT THE LOWER END OF THE ECONOMIC AND SOCIAL SCALE, OBSERVING CORRUPTION AND THE ENJOYMENT OF SPECIAL PRIVILEGES ENJOYED BY THE GOVERNMENT AND PARTY OFFICIALS, DID NOT ACCEPT THE "NEW MORALITY"; THEREFORE, THE ONLY CONSTRAINT UPON THEM WAS THE FEAR OF GETTING CAUGHT AND PUNISHED. IF THE POLICE OR AUTHORITIES WERE NOT LOOKING, THE TENDENCY WAS FOR PEOPLE TO BREAK THE LAW WITHOUT SUFFERING GUILTY CONSCIENCES. IN SOME INSTANCES, BREAKING THE LAW WAS A WAY OF EXPRESSING RESENTMENT AGAINST THE SYSTEM.

4. THE CUBAN PENAL SYSTEM IS USED TO TEACH IDEOLOGY TO PEOPLE. IT PROVIDES A CAPTIVE AUDIENCE. CONCURRENTLY PENAL COLONIES WERE PRODUCTIVE UNITS.

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5. WILLS SAID THE REPORT BORE OUT HIS EARLIER IMPRESSION THAT EXTENSIVE RACIAL DISCRIMINATION STILL EXISTS IN CUBA. HE SUGGESTED THAT THE US SHOULD POST A BLACK AMERICAN AT ITS DIPLOMATIC MISSION IN HAVANA. DOING SO WOULD HAVE IMPORTANT SYMBOLIC AND POLITICAL EFFECT AMONG CUBAN BLACKS AND WOULD DRAW FAVORABLE NOTICE IN THE CARIBBEAN.

6. ACCORDING TO THE REPORT, CUBAN JUDGES, LAWYERS, AND OFFICIALS OFTEN DREW THE GUYANESE ASIDE TO COMMENT IN PRIVATE ON THE CUBAN SYSTEM, PROVIDING NEGATIVE INFORMATION. ON SEVERAL OCCASIONS, CUBAN JURISTS ADVISED THE GUYANESE THAT GUYANA SHOULD BE WARY OF ADOPTING ELEMENTS OF THE CUBAN LEGAL SYSTEM. CUBANS RECOGNIZED THE NEED TO CHANGE THE CUBAN SYSTEM AND INQUIRED SERIOUSLY ABOUT THE GUYANESE AND JAMAICAN SYSTEMS OF LAW.

7. THE GUYANESE TEAM ALSO REPORTED THAT "CUBA IS READY TO EXPLODE FROM ITS ECONOMIC PRESSURES." WILLS COMMENTED THAT HE DOUBTED THAT AN "EXPLOSION" WAS IN THE OFFING, BUT NO DOUBT DISSATISFACTION WAS WIDESPREAD.

8. COMMENT: MUCH OF WHAT THE GUYANESE LEGAL TEAM
LEARNED IS NOT NEW TO AMERICANS. BUT FOR GUYANESE
SOCIALISTS WHO HAVE TENDED TO TURN A BLIND EYE ON
CRITICISM OF CUBA EMANATING FROM THE US AND WORLD PRESS,
THE FIRST HAND INFORMATION ABOUT CONDITIONS IN CUBA
AND THE DEFECTS OF ITS "SOCIALIST" LEGAL SYSTEM THE
REVELATIONS ARE STARTLING AND DISTURBING. EXPOSURE
TO CUBAN SOCIETY WITH ITS OBVIOUS DEFECTS MUST HAVE
A BENEFICIAL IMPACT ON THINKING GUYANESE.
BLACKEN

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